



PATENT  
Customer No. 22,852  
Attorney Docket No. 3495.0308

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Stephen GIRARDIN et al. ) Group Art Unit: 1646  
Application No.: 10/808,735 ) Examiner: Unassigned  
Filed: March 25, 2004 )  
For: A METHOD FOR MODULATING ) Confirmation No.: 5618  
NOD1 ACTIVITY, USE OF A MTP )  
RELATED MOLECULE FOR )  
MODULATING NOD1 ACTIVITY, AND )  
THERAPEUTIC APPLICATIONS )  
THEREOF )

**Mail Stop Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF APPLICATION**

In response to the Notice to File Missing Parts mailed June 8, 2004, Applicants submit a Declaration/Power of Attorney for filing in this application, an Authorization to Act in a Representative Capacity, a Statement Under 37 C.F.R. §1.132(c)(3), a Recordation Form Cover Sheet and Assignment, a copy of the Notice to File Missing Parts, 26 (twenty-six) sheets of replacement drawings (Figures 1a, 1b, 1c, 1d, 2a, 2b, 2c, 2d, 2e, 2f, 3a, 3b, 3c, 3d, 3e, 4, 5a, 5b, 5c, 6, 7a, 7b, 8a, 8b, 8c, and 8d), the required fee of \$130.00, the filing fee of \$770.00, the assignment fee of \$40.00, and \$1,026.00 in additional claim fees.

Applicants submit that the Office incorrectly calculated the additional claim fees due in this application. In the section entitled "Summary of Fees Due," the Notice to File Missing Parts states that \$860 is due for 10 independent claims over 3. However, Applicants submit that the Application contains only 12 independent claims, and therefore the Notice should have stated \$774 for 9 independent claims over 3. The list of independent claims includes the following: claims 1, 6, 9, 10, 11, 20, 21, 23, 24, 26, 30, and 34. Applicants have therefore included a check, which includes a reduced amount for additional claim fees. If the Office identifies an additional independent claim, please charge the required fees to our deposit account as indicated below.

Please associate the attached papers with the application, grant any extensions of time required to enter this response, and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 22, 2004

By:

  
Kenneth J. Meyers  
Reg. No. 25,146  
Phone: (202) 408-4000  
Fax: (202) 408-4400  
E-mail: ken.meyers@finnegan.com

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THEREOF )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AUTHORIZATION TO ACT IN A REPRESENTATIVE CAPACITY**

The practitioners named below are authorized to conduct interviews and have the authority to bind the principal concerned. Furthermore, the practitioners are authorized to file correspondence in the above-identified application pursuant to 37 C.F.R. § 1.34.

| Name             | Registration No. |
|------------------|------------------|
| Salvatore Arrigo | 46,063           |
| Rebecca McNeill  | 43,796           |
| William Raich    | 54,386           |
| Deborah Katz     | 51,863           |



Application No.: 10/807,466  
Attorney Docket No. 3495.0308

**This is not a Power of Attorney to the above-named practitioners.**

Accordingly, the practitioners named above do not have authority to sign a request to change the correspondence address, a request for an express abandonment, a disclaimer, a power of attorney, or other document requiring the signature of the applicant, assignee of the entire interest or an attorney of record.

The above-identified application is currently associated with FINNEGAN, HENDERSON, FARABOW, GARRETT, & DUNNER, L.L.P., Customer No. 22,852, with respect to correspondence address and Power of Attorney.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 22, 2004

By:

A handwritten signature in black ink, appearing to read "Kenneth J. Meyers".

Kenneth J. Meyers  
Reg. No. 25,146  
Phone: (202) 408-4000  
Fax: (202) 408-4400  
E-mail: ken.meyers@finnegan.com



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Attorney Docket No. 3495.0308

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Stephen GIRARDIN et al. ) Group Art Unit: 1646  
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Filed: March 25, 2004 )  
For: A METHOD FOR MODULATING ) Confirmation No.: 5618  
NOD1 ACTIVITY, USE OF A MTP )  
RELATED MOLECULE FOR )  
MODULATING NOD1 ACTIVITY, )  
AND THERAPEUTIC )  
APPLICATIONS THEREOF )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUBMISSION OF REPLACEMENT DRAWINGS**

Subject to the approval of the Examiner, please replace the drawings in the above-identified application with the 26 (twenty-six) sheets of drawings filed herewith (Figures 1a, 1b, 1c, 1d, 2a, 2b, 2c, 2d, 2e, 2f, 3a, 3b, 3c, 3d, 3e, 4, 5a, 5b, 5c, 6, 7a, 7b, 8a, 8b, 8c, and 8d). If the replacement drawings for any reason are not in full compliance with the pertinent statutes and regulations, please so advise the undersigned.

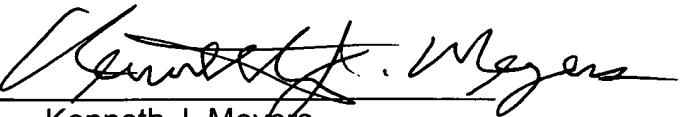
If any fees are necessary for the submission of these formal drawings, please charge our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 22, 2004

By:

  
Kenneth J. Meyers  
Reg. No. 25,146  
Phone: 202) 408-4000  
Fax: (202) 408-4400  
E-mail: ken.meyers@finnegan.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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[www.uspto.gov](http://www.uspto.gov)

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/808,735         | 03/25/2004             | Stephen Girardin      | 03495.0308             |

Finnegan Henderson Farabow Garrett & Dunner  
 Suite 700  
 1300 I Street, N.W.  
 Washington, DC 20005



CONFIRMATION NO. 5618  
 FORMALITIES LETTER



\*OC000000012898162\*

Date Mailed: 06/08/2004

~~07/23/2004 EABUBAK1 000001~~ NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

|            |           |
|------------|-----------|
| 01 FC:1001 | 770.00 OP |
| 02 FC:1201 | 774.00 OP |
| 03 FC:1202 | 252.00 OP |
| 04 FC:1051 | 130.00 OP |

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

07/23/2004 EABUBAK1 00000104 10808735

|            |           |
|------------|-----------|
| 01 FC:1001 | 770.00 OP |
| 02 FC:1201 | 774.00 OP |
| 03 FC:1202 | 252.00 OP |
| 04 FC:1051 | 130.00 OP |

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 8C.
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 1 b-d, 2d, 3c-e, 8C.
  - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 1d, 2e-f, 3a, c-d, 6.

- The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 3b, 6, 8d.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$1112** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$2012** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$1112**
  - **\$860** for 10 independent claims over 3.
  - **\$252** for 14 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*T5cycwdrh*  
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE